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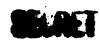
SYD

31 December 1948

Assistant Seneral Coursel

Travel for Leave Purposes Under Section 7. Public Law 600

- 1. Reference is made to your memorandum, dated 14 December 1948, in connection with the above subject. You cited Commtroller General's Decision No. 3-79806 and requested answers to certain specific questions, as follows:
 - (a) Can travel to heme in U.S. for leave be paid for employee and dependents at end of contractual period, if pariod is less than 24 conth period prescribed by the Director as essential to greating "home leave", without specific waiver from the Director, CLAT
 - (b) If so, would travel expenses be paid in accordance with Public Law 600 and Standardized Jovernment Travel Regulations or Foreign Service Travel Regulations, for our "Designee" personnel?
 - (c) Does Comptroller Semeral's Decision No. 3-79806 allow suppleyee's to place claims for travel expenses, pre-viously incurred on TDT orders from field stations to Mashington, if the employee were actually eligible for leave at home under Section 7 of Public Law 6007
- In essence, R-79376 ruled that where an esployee had fulfilled the requirements of his contract pursuant to Section 7. Public
 Lew 600, it was impaterial whether he was returned for the purpose of
 leave or for the purpose of being separated from the service. Section
 7. Public Law 600, requires a term of government service of one year's
 deration from the date of appointment. It was held in 27 Comp. Sem. 70
 that the twelve months' period prescribed by that section may be considered as a minimum. Consequently, it is within the discretion of
 the various agencies to prescribe such languar periods as may be appropriate with respect to payment of travel and transportation expenses
 either going to or returning from a fermion duty post.
- J. Under present authorisations, all amployees of 050 and 0PC assigned to permanent posts of daty abroad are entitled to travel expenses in accordance with Foreign Service Rules and Regulations. Meany of these employees were sent out under Section 7. Public Law 600, or other statutes. It is understood that contracts for periods of overseas service were signed by employees for various periods of time. If the contract period is in excess of one year from the date of appointment, and, assuming that the contract was duly authorized, there exists



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an obligation on the part of the United States Government to return such employee at the termination of the period prescribed in his contract. As stated in D-79506, it is immaterial whether that return is for leave or for separation, and the extension of Foreign Service Regulations to such employees can not operate to extinguish this contractual right. Therefore, your question (a) is enswered in the affirmative.

- Your question (b) asks if such travel expenses would be raid in accordance with Standardised Government Travel Regulations or Foreign Service Regulations for "Designee" personnel. Designees have been authorized to receive travel expenses in accordance with Foreign Service Regulations. Of course, each specific travel order must authorise per diem. Travel expenses would be received by the employee and his dependents if the employee is being returned upon completion of his prescribed time, either for assignment in Washington or for separation, and there would be no doubt that competent travel authority could approve travel expenses for that employee in accordance with Foreign Service Rules and Regulations. Since the purpose for returning. i.e., leave, separation, or reactigment, has been held impaterial, it is the opinion of this office that once the obligation for travel at government expense is clear, Foreign Service Regulations could be applied regardless of the reason for the travel. The ensuer to your question (b) is answered accordingly.
- is your question (c), you impairs whether travel previously incurred pursuant to TDI orders may be changed so as to permit an employee to claim travel expenses, if he were eligible for leave, to and from his place of residence. If an employee were ordered to the United States for temporary duty for recrientation and training, it was customery to permit the employee to take leave at his own appeare. Ris temperary duty was performed in Mashington, and he was placed on leave at Machington, and travel to may other place was a personal matter for the employee. Each travel order of this type was considered by the appropriate pareon at the time of its issuance, and it must be assumed that the intent was clear at the time competent travel authority signed the order. To say now, that such an employee was brought to the United States for the purpose of taking leave would be to deny the record. Consequently, in the absence of unumual diremestances indicating administrative evers, there appears to be no authority at this time to recogmine an employee's claim for travel expenses based on the assumption that his TIN orders were actually home lauve orders. We believe that your question (c) is ensured by the above.

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